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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTIN CERVANTES VASQUEZ,
ALBERTO GONZALEZ SALGADO, and
ISAAH ALBERTO SALGADO,

Defendants.

CASE NO. 2:20-CR-0193-DJC

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 15, 2023

TIME: 9:00 a.m.

COURT: Hon. Daniel J. Calabretta

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 18, 2023, before the Honorable Dale A. Drozd, and time was excluded through that date under Local Code T4. ECF No. 70.

2. On April 6, 2023, this case was reassigned to the Honorable Daniel J. Calabretta for all further proceedings. The previously scheduled April 18, 2023 status hearing was vacated and the parties were directed to "consult Judge Calabretta's webpage, select an available date on his criminal law and motion calendar, and set the matter for hearing before the reassigned judge." ECF No. 71.

3. By this stipulation, the parties request to set a status hearing for June 15, 2023, at 9:00 a.m., and to exclude time between April 18, 2023, and June 15, 2023, under Local Code T4.

1 4. The parties agree and stipulate, and request that the Court find the following:

2 a) The government has represented that the discovery associated with this case to
3 date includes more than 5,539 pages of investigative reports, photographs, affidavits, and other
4 documents, as well as video and audio recordings. All of this discovery has been either produced
5 directly to counsel and/or made available for inspection and copying.

6 b) The government produced more than 3,400 of these pages of discovery on
7 October 20, 2022, in response to discovery requests from multiple defendants. In particular, the
8 government produced bench notes from its forensic chemists' analysis of seized drugs. In
9 addition, the government produced, subject to a stipulated protective order, complete downloads
10 of approximately 17 seized cell phones that had previously been made available for inspection
11 but not reviewed by defense counsel. These cell phone downloads include extensive
12 communications, many of which are in the Spanish language, as well as other materials.

13 c) Counsel for all defendants need additional time to review the discovery in this
14 case; to conduct independent factual investigation; to research trial and sentencing issues; to
15 consult with their clients; and to otherwise prepare for trial.

16 d) Counsel for defendants believe that failure to grant the above-requested
17 continuance would deny them the reasonable time necessary for effective preparation, taking into
18 account the exercise of due diligence.

19 e) The government does not object to the continuance.

20 f) Based on the above-stated findings, the ends of justice served by continuing the
21 case as requested outweigh the interest of the public and the defendant in a trial within the
22 original date prescribed by the Speedy Trial Act.

23 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
24 et seq., within which trial must commence, the time period of April 18, 2023 to June 15, 2023,
25 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
26 because it results from a continuance granted by the Court at defendant's request on the basis of
27 the Court's finding that the ends of justice served by taking such action outweigh the best interest
28 of the public and the defendant in a speedy trial.

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 11, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

Dated: April 11, 2023

/s/ Toni L. White
Toni L. White
Counsel for Defendant
MARTIN CERVANTES VASQUEZ

Dated: April 11, 2023

/s/ Noa Oren
Noa Oren
Assistant Federal Defender
Counsel for Defendant
ALBERTO GONZALEZ SALGADO

Dated: April 11, 2023

/s/ David D. Fischer
David D. Fischer
Counsel for Defendant
ISAIAH ALBERTO SALGADO

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 11th day of April, 2023.

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE